

UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/852-831	04/15/86	PAULEY J	BI-83-07

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SIMI VALLEY, CA 93062

EXAMINER	
MULLEN, T	
ART UNIT	PAPER NUMBER
268	5

DATE MAILED:

05/13/88

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 2/29/88 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☐ Notice of References Cited by Examiner, PTO-892. 2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449 4. ☐ Notice of informal Patent Application, Form PTO-152
5. ☐ Information on How to Effect Drawing Changes, PTO-1474 6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-7, 10-12 and 14-18 are pending in the application.
- Of the above, claims _____ are withdrawn from consideration.
2. ☒ Claims 8, 9 and 13 have been cancelled.
3. ☒ Claims 7, 10-12 and 14-18 are allowed.
4. ☒ Claims 1-4 and 6 are rejected.
5. ☒ Claim 5 is ~~are~~ objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other _____

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1. The Amendment filed February 29, 1988 has been fully considered.

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

3. The disclosure is objected to because of the following informalities:

the words "circuits" (page 1, line 10 and page 40, line 6), "sentencing" (page 1, line 21), and "preferably" (page 40, line 3) are misspelled.

Appropriate correction of the disclosure is required.

4. Claims 1-2 remain rejected under 35 U.S.C. 103 as being unpatentable over Schwitzgebel et al.

See column 2, lines 16-21; column 3, lines 23-28; and column 4, lines 5-12 in Schwitzgebel et al. In addition to monitoring strap continuity of the wrist carried oscillator unit, Schwitzgebel et al. monitor "attempted destruction of the signal source or other acts which tend to compromise the supervision system", the signal source consisting of the wrist carried oscillator unit and a transceiver. Further, Schwitzgebel et al teach that the oscillator component and the transceiver component may be "usefully housed in a single component which is continuously worn by the supervised person".

Thus, Schwitzgebel et al. teach sensing a plurality of prescribed tamper conditions associated

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with the operation and use of a tag, where the tag contains both the oscillator component and the transceiver component of the Schwitzgebel et al. system, as in claims 1-2.

5. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103 as being unpatentable over Schwitzgebel et al as applied to claims 1-2 above, and further in view of Manning.

Applicants' arguments are considered persuasive in part; however, it is considered that it would have been obvious in view of Manning to monitor flesh proximity rather than strap continuity in Schwitzgebel et al. as in claims 3, 4 and 6, and it is noted that the capacitive circuit discussed by applicants is not recited in these claims.

6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The provision of both a first and a second circuit means, whereby both strap continuity and flesh proximity are sensed, it is not taught or suggested by the art of record.

7. Claims 7, 10-12 and 14-18 are allowable over the prior art of record.

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). The practice of automatically extending the shortened statutory period an additional month upon the filing of a timely first response to a final rejection has been discontinued by the Office. See 1021 TMOG 35.

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A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 CFR 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

9. The text of those sections of Title 35 U. S. Code not included in this action can be found in a prior Office action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 557-6797.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3321.

T. MULLEN:pdh

703-557-6797

05-12-88